

---

## **City of Reading City Council**

### **Regular Meeting Monday, September 8, 2008**

A regular meeting of City Council was held on the above date for the transaction of general business.

Council President Spencer called the meeting to order.

The invocation was given by Pastor Lee Ritz, of Hampden Mennonite Church.

All present pledged allegiance to the flag.

#### **ATTENDANCE**

Council President Spencer  
Councilor S. Fuhs, District 1  
Councilor M. Goodman-Hinnershitz, District 2  
Councilor D. Sterner, District 3  
Councilor S. Marmarou, District 4  
Councilor M. Baez, District 5  
Councilor J. Waltman, District 6

Mayor T. McMahon  
Acting Managing Director R. Hottenstein  
Public Works Director C. Jones  
City Solicitor C. Younger  
City Auditor D. Cituk  
Public Works Director C. Jones  
City Clerk L. Kelleher

## **PROCLAMATIONS AND PRESENTATIONS**

The Mayor issued a proclamation to the National Association of Insurance Financial Advisors in honor of National Insurance month.

## **PUBLIC COMMENT**

There were no citizens registered to address Council at this meeting.

## **THE AGENDA AND THE MINUTES**

Council President Spencer called Council's attention to the agenda for this meeting. He noted that the motion to approve the agenda would include the legislation listed under the consent agenda heading. He noted the Administration's request to withdraw the Resolution regarding the appointment of the Community Development Director.

**Councilor Fuhs moved, seconded by Councilor Goodman-Hinnershitz, to approve the agenda including the legislation under the Consent Agenda Heading. The motion was approved unanimously.**

### **Consent Agenda Legislation**

**Resolution** – authorizing the City of Reading to file a funding proposal through the Department of Community and Economic Development Early Intervention Program to request funding (\$50,000.00) of the total project cost (\$100,000.00) for the City to retain consultant services to complete a User Fee Study and an Assets Sales analysis **(Man Dir)**

**Award of Contract** – to Morganrail, Inc., 94 Willow Creek Road, Temple, PA 19560, at a total submitted bid price of \$123,390 for guide rail replacement along Duryea Drive for the Department of Public Works. Morganrail, Inc. is the low bidder to meet the specifications **(Purchasing**

## **ADMINISTRATIVE REPORT**

Mayor McMahon read the report distributed to Council at the meeting covering the following:

- Letter to all City Residents regarding the need for all landlords to obtain proper rental permits.
- Announcing that September is library card sign up month at the Reading Public Library

Councilor Goodman–Hinnershitz noted the outstanding refurbishment of the residential property located at Hill and Clymer Streets. She congratulated the Penn’s Common neighborhood group and the property owner for working to restore this prominent property.

## **AUDITORS REPORT**

City Auditor Dave Cituk read the report distributed to Council covering the following

- 2008 Unemployment Compensation Expenses
- Comparison of General Fund Balances between 1991–2007
- Schlegel Park Pool Revenue Collections

Councilor Fuhs stated that the \$4.1 million fund balance listed in the Auditor’s Report is less than that estimated. City Auditor Cituk stated that the original estimate of \$5.8 million was reduced after the City’s final expenses were calculated and the books for 2007 closed.

Councilor Goodman–Hinnershitz inquired if the report on Schlegel Park Pool revenue includes operational expenses. City Auditor Cituk replied that the report shows only revenue collected. The operational expenses are not shown.

## **ORDINANCES FOR FINAL PASSAGE**

**Bill No 55-2008** – Amending the City of Reading Codified Ordinances, Chapter 7 Housing which will amend the time for inspection from 3 years to not less than 3 and not more than 5 years throughout the ordinance as referred to as Renewal Inspection; removes the word points from the ordinance and replaces it with violations; and amends the required Addendum to Rental Agreement to remove limitation of no more than 5 persons in rooms or common areas It is amended to refer to limit to habitable space per applicable Ordinances (Law Dept) *Introduced at the August 25 meeting of Council*

Councilor Waltman moved, seconded by Councilor Marmarou, to enact Bill 55–2008.

City Solicitor Younger stated that the current Ordinance requires all properties to be inspected every three years. This extension will enable the codes office to more easily perform the required inspections.

Bill 55–2008 was enacted by the following vote:

Yeas – Baez, Fuhs, Goodman–Hinnershitz, Marmarou, Sterner,  
Waltman, Spencer, President – 7  
Nays – 0

**Bill No. 56-2008** - an ordinance creating a committee to assist, guide and participate In the amendment and revision of the City Of Reading Zoning Ordinance, Subdivision And Land Development Ordinance (SALDO) and Official Map (Law Dept) *Introduced at the August 25 meeting of Council*

Councilor Waltman moved, seconded by Councilor Baez, to table Bill 56–2008.

Bill 56–2008 was tabled by the following vote:

Yeas – Baez, Fuhs, Goodman–Hinnershitz, Marmarou, Sterner,  
Waltman, Spencer, President – 7  
Nays – 0

Council President Spencer stated that before enacting this Ordinance creating the Zoning Ordinance Committee was tabled as the body of Council wishes to review the scope of services provided by the Committee.

**Bill No. 57-2008** - amending the City Of Reading Code Of Ordinances Chapter 6, Part 7, School Time Curfew, to add a new section restricting loitering at any school building while school is in pertaining to prohibited conduct of juveniles on school days as attached in Exhibit A (Police Dept) *Introduced at the August 11 regular meeting; referred to the 9-2 Public Safety Committee*

Councilor Marmarou moved, seconded by Councilor Goodman–Hinnershitz, to enact Bill 57–2008.

Councilor Sterner stated that this Ordinance is aimed at public safety and the reduction of criminal activity. He stated that this amendment came at the request of the Police Department working with the Reading School District. The amendment expands the effective time of the ordinance to 3:30 pm and includes all school buildings.

Councilor Goodman–Hinnershitz noted the work of Police Chief Heim and Deputy Chief Talbot to address the disruptions caused by loitering at school buildings.

**Bill 57–2008 was enacted by the following vote:**

Yeas – Baez, Fuhs, Goodman–Hinnershitz, Marmarou, Sterner,  
Waltman, Spencer, President – 7

Nays – 0

## **INTRODUCTION OF NEW ORDINANCES**

Council President Spencer read the following ordinances into the record.

**Ordinance** – Requiring the POW MIA flag be flown at all City owned public buildings **(Fuhs)**

**Ordinance** – amending the Sidewalk Vendor Ordinance by changing the location and increasing the number of mobile food vendors **(Council Staff)**

**Ordinance** – amending 1–271 of the City of Reading Personnel Code (Salary Administration) by amending the Salary Range for the Community Development Director **(Managing Director)**

**Ordinance** – set the Salary of the Community Development Director at \$95,000 **(Managing Director)**

**Ordinance** – amending the City Of Reading 2008 Full–Time Position Ordinance by eliminating the Community Development Manager position and creating the Community Development Director position **(Managing Director)**

**Ordinance** – setting the salary of the Managing Director at \$100,000 **(Mayor)**

**Ordinance** – amending the City of Reading Codified Ordinances, Property Maintenance Code by changing the time for inspection from 3 years to not less than 3 and not more than 5 years throughout the ordinance to make it comply with the newly enacted Housing Permit Ordinance **(Law Dept)**

## **RESOLUTIONS**

**Resolution 70–2008** – awarding the construction and project manager contract to Hill International/Weston Solutions/ Hazen Sawyer at a not to exceed price of \$7,825,075 for services at the City’s Wastewater Treatment Plant and also authorizing the issuance of an Advance Notice to Proceed to allow work to begin while the final contract is being assembled and executed. *(Initiated through Citizen Petition submitted Monday August 18, 2008) Tabled at the August 25 meeting*

**Councilor Baez moved, seconded by Councilor Goodman–Hinnershitz, to adopt Resolution 70–2008.**

Councilor Fuhs stated that this contract was worth \$7.8 million. He inquired the use of (not to exceed) language. He inquired how the City will react if the cap is reached and the work is not completed. Acting Managing Director Hottenstein stated that this is standard language.

Councilor Fuhs expressed the belief the process used by the Administration was convoluted and caused Council to undertake some investigation. He stated that some questions from Council are unanswered. He also noted the information gained by speaking with other neutral engineering firms. He noted the need for careful monitoring of the financial disparities included in the contract. He also noted the Administration’s past promise to bifurcate the project and construction management components in award contracts to provide careful checks and balances. He expressed the belief that combining the project and construction management services steps away from those best business practices and proper oversight.

Councilor Waltman expressed the belief that the information gained through meeting with the firms recommended for the positions was

helpful. He noted that it is not uncommon for the construction and project manager to be joined.

Councilor Sterner expressed his hope that at some point this project at the Waste Water Treatment Plant will be reviewed by an independent set of eyes. He stated that the citizens committee previously discussed may be helpful.

Councilor Goodman–Hinnershitz noted the need for the City to make its best judgment while staying in compliance with the consent decree. She expressed the belief that the memorandum of understanding discussed at the Committee of the Whole meeting can help by setting standards that allow inquiry at the beginning of each contract process.

Councilor Fuhs stated that the only people to benefit by combining the project and construction manager are the firms themselves as it increases the value of the contract. He expressed the belief that the City and its taxpayers will not benefit from the combination of services, as combination removes the City's ability to have independent review.

Council President Spencer inquired if the actual contract has been assembled. Public Works Director C. Jones stated that the contract will not be assembled until Council acts to award the contract. He explained that advance notice will allow the contractors to begin working before the contract is drafted and executed. He then explained the chain of events that occurs after Council approves a contract.

Council President Spencer expressed the belief that the financial component of the contract, the process to fund the waste water treatment plant project, should be performed by the City's financial advisor not by a contractor.

**Resolution 70–2008 was adopted by the following vote:**

**Yeas – Baez, Goodman–Hinnershitz, Marmarou, Sterner, Waltman – 5**  
**Nays – Fuhs, Spencer–President 2**

**Resolution 95–2008– appointing Aldora Horne to the Fire Diversity Board (Admin Oversight)**

**The Administrative Oversight Committee moved to adopt Resolution 95–2008.**

**Resolution 95–2008 was adopted by the following vote:**

**Yeas – Baez, Fuhs, Goodman–Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7**  
**Nays – 0**

**Resolution 96–2008 – appointing Ryan P. Hottenstein as Managing Director (Mayor)**

**Councilor Baez moved, seconded by Councilor Goodman–Hinnershitz, to adopt Resolution 96–2008.**

Mayor McMahon stated that Mr. Hottenstein has been filling this role for six months and believes that as he has handled it well and deserves to be appointed as Managing Director.

Councilor Fuhs congratulated Mr. Hottenstein for achieving the nomination. He noted his belief in the integrity of Mr. Hottenstein; however, he stated that he will not support Mr. Hottenstein’s appointment.

Council Fuhs questioned the Mayor about the search process to find candidates to fill the position. Mayor McMahon stated that the Administration advertised in the Reading Eagle for eight days, advertised

in two of the ICMA Journal's, and advertised on government.com for two months.

Councilor Sterner inquired if a head hunter was used. Mayor McMahon replied that the Administration did not use a head hunter to avoid spending additional money. He stated that the search was conducted by Human Resources. Councilor Fuhs noted Mayor McMahon's rejection of the offer to assist in the search by the Greater Reading Chamber of Commerce.

Councilor Fuhs inquired how many applied to fill the position. Mayor McMahon stated that 45 applications were received. Human Resources narrowed that to five candidates.

Councilor Fuhs inquired about the interview process used. Mayor McMahon stated that he believed Human Resources conducted some type of interview process. He stated that he did not meet with any of the candidates recommended by Human Resources. He expressed that none of the candidates came with Mr. Hottenstein's qualifications.

Mr. Waltman expressed his belief in the ability and qualification of Mr. Hottenstein.

Councilor Baez expressed her belief in the abilities of Mr. Hottenstein, but suggested that the Administration use a broader search process when filling future Department Director positions.

Councilor Sterner expressed his belief in the knowledge of Mr. Hottenstein.

Councilor Fuhs stated again that he will not support the nomination as he disagrees with the selection and interview process. He questioned the Mayor's true intent as he did not interview or not interact with any of the candidates recommended by Human Resources.

Council President Spencer expressed the belief that the African American demographic has been underrepresented in the City's upper management. He agreed with the faulty selection process used by the Mayor. He expressed the belief that Mayor McMahon is promoting Mr. Hottenstein too quickly to the highest executive position. He stated that Mr. Hottenstein only began working

for the City five years ago, coming in as an intern, progressing to purchasing manager, then Finance Director. He expressed his belief that this position should be filled by someone of the highest experience and qualification ratings. He also noted the need for qualified minority candidates to be identified.

Mayor McMahon expressed the belief that more minorities should become more involved on the Boards Authorities and Commissions.

Councilor Waltman expressed the belief that this decision is in the best interest of the City.

Council President Spencer disagreed stating that the best decision would come after a proper selection process.

**Resolution 96–2008 was enacted by the following vote:**

**Yeas – Baez, Goodman–Hinnershitz, Sterner, Waltman –4**

**Nays – Fuhs, Marmarou, Spencer–President –3**

### **COUNCIL COMMENT**

Councilor Fuhs announced his town meeting scheduled for September 11<sup>th</sup> at 7 pm at Calvary Church. He stated that several City Officials will attend to address neighborhood concerns.

Councilor Marmarou noted the upcoming College Heights Community Council Meeting on Sunday September 14<sup>th</sup> to address neighborhood issues and issues surrounding the re-use of the Caum Home.

Councilor Goodman–Hinnershitz announced the September 11<sup>th</sup> meeting of People’s Choice Community group and the upcoming events at Amanda’s Garden.

Councilor Goodman–Hinnershitz stated that the guard rails along Duryea Drive will be replaced. She stated that the materials will be upgraded to comply with current standards.

Councilor Goodman–Hinnershitz thanked the Administration for conducting a codes sweep on the 1300, 1400, and 1500 blocks of Perkiomen Avenue. She urged citizens to report problems in their neighborhoods.

Councilor Waltman noted the incorrect assertion listed in the Reading Eagle story about the September 2<sup>nd</sup> Finance Committee Meeting.

Councilor Waltman also noted the success of the Latin American Festival over the past weekend.

Councilor Baez congratulated Joe Ayala for starting the boxing club program at Baer Park.

Councilor Baez announced the Dare 2 Care town meeting scheduled for Thursday, September 18<sup>th</sup>. She noted the group's plan to conduct a fundraiser on Saturday, October 4<sup>th</sup> at the Bethel AME Church. The group is seeking funds to purchase and install a fence behind the church.

Mayor McMahon announced the memorial services scheduled for Thursday, September 11<sup>th</sup> at City Park.

Councilor Sterner urged all neighbors to report loitering and curfew problems to the police.

Council President Spencer congratulated Mr. Hottenstein on his appointment.

Council President Spencer, regarding the award of contract, stated that Council never questioned the skills or qualifications of proposed

companies recommended by the Administration only the process used by the Administration.

Council President Spencer noted the victory of the RHS football team which returns the historic block of coal to Reading High School. He described this long standing rivalry.

**Councilor Marmarou moved, seconded by Councilor Sterner, to adjourn the Regular Meeting of Council.**

---

Linda Kelleher  
City Clerk